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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: : M. Dibrino
LE GAL et al :
Serial No.: 09/673,166 : Group: 1644
Filed: October 6, 2000 :
For: LIPOPEPTIDE...VACCINATION :

475 Park Avenue South
New York, N.Y. 10016
January 6, 2004

RESPONSE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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Sir:

Responsive to the office action of November 7, 2003, reconsideration of this
application is requested in view of the remarks presented herein.

The claims in the application are claims 23 to 42, all other claims having been
cancelled.

The Examiner has required restriction between claims 23 to 40 drawn to a
lipopeptide comprising at least one auxiliary T-epitope, at least one CTL-epitope and at
least one lipid moiety and claims 41 and 42 drawn to a method of inducing a specific
immune response using the lipopeptide of group I. The Examiner also went on to require
an election of a single disclosed species of lipopeptide if group I is elected or a single
disclosed species of a specific lipopeptide if group II was elected.

Applicants respectfully traverse the Examiner's restriction requirement since under the rules of PCT Rule 13, it is believed that they have the same or corresponding special technical features to distinguish over the prior art since the epitope PADRE linked to a CTL-epitope and lipid is not taught by the prior art as alleged by the Examiner and therefore, there is a common ground.

However, to be completely responsive to the office action, Applicants elect with traverse claims 23 to 40 of group I. With respect to the election of species, Applicants elect with traverse a lipopeptide consisting of dipalmitoyl lysyl as the lipid moiety and as the auxiliary T-epitope, TT830-843. As a spacer RGR and as the CPL epitope, Applicants elect HIV NEF 68-82 multi-epitope peptide. Such a lipopeptide is disclosed through the TT-NEF lipopeptide of section A of Example 5 and in the second paragraph on page 18, section B, Example 5 and the third and fourth paragraphs of page 23, Table 8.

Since the first office action was merely a restriction requirement, Applicants request a prompt examination on the merits.

Respectfully submitted,
Muserlian, Lucas and Mercanti



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CAM:ds
Enclosures